

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ROBERT AKER,

Plaintiff,

v.

Case No. 17-CV-985

ALLTRAN FINANCIAL LP,

Defendant.

ORDER

On July 18, 2017, the plaintiff filed a class action complaint. At the same time, the plaintiff filed what the court commonly refers to as a “protective” motion for class certification. (ECF No. 3.) In this motion the plaintiff moved to certify the class described in the complaint but also moved the court to stay further proceedings on that motion.

In *Damasco v. Clearwire Corp.*, 662 F.3d 891, 896 (7th Cir. 2011), the court suggested that class-action plaintiffs “move to certify the class at the same time that they file their complaint.” *Id.* “The pendency of that motion protects a putative class from attempts to buy off the named plaintiffs.” *Id.* However, because parties are generally unprepared to proceed with a motion for class certification at the beginning of

a case, the *Damasco* court suggested that the parties “ask the district court to delay its ruling to provide time for additional discovery or investigation.” *Id.*

The plaintiff’s motion to stay further proceedings is **granted**. The parties are relieved from the automatic briefing schedule set forth in Civil Local Rule 7(b) and (c). Moreover, for administrative purposes, it is necessary that the Clerk terminate the plaintiff’s motion for class certification. However, this motion will be regarded as pending to serve its protective purpose under *Damasco*.

SO ORDERED.

Dated at Milwaukee, Wisconsin this 5th day of March, 2018.


WILLIAM E. DUFFIN
U.S. Magistrate Judge